

RANDY FERNANDEZ,
Plaintiff,

-v-

CITY OF NEW YORK, OFFICER CHOPRA, and
CAPTAIN GRIFFIN,
Defendants.

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ORDER

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On January 9, 2020, the Court received the attached letter from Plaintiff, which the Court liberally construes to be an application for counsel. In determining whether to grant an application for counsel, the Court must consider “the merits of plaintiff’s case, the plaintiff’s ability to pay for private counsel, his efforts to obtain a lawyer, the availability of counsel, and the plaintiff’s ability to gather the facts and deal with the issues if unassisted by counsel.” *Cooper v. A. Sargenti Co., Inc.*, 877 F.2d 170, 172 (2d Cir. 1989) (per curiam). As a threshold matter, in order to qualify for counsel Plaintiff must demonstrate that his claim has substance or a likelihood of success. *See Hodge v. Police Officers*, 802 F.2d 58, 60-61 (2d Cir. 1986). In reviewing a request for counsel, the Court must be cognizant of the fact that volunteer attorney time is a precious commodity and, thus, should not grant a request for counsel indiscriminately. *Cooper*, 877 F.2d at 172.

A more fully developed record will be necessary before it can be determined whether Plaintiff's chances of success warrant his request for counsel. Accordingly, it is hereby

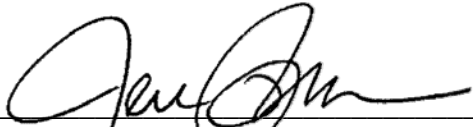
ORDERED that plaintiff's January 9, 2020 application for counsel is denied without prejudice to renewal at such time as the existence of a potentially meritorious claim may be demonstrated.

As a courtesy, however, the deadline for Plaintiff to oppose the pending motion for summary judgment is hereby EXTENDED from January 15, 2020, to **January 31, 2020**; any reply shall be filed **within a week of the opposition**.

The Clerk of the Court is directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: January 10, 2020
New York, New York



JESSE M. FURMAN
United States District Judge

Mail to:

Randy Fernandez
DIN: 19-R-0955
Hale Creek ASACTC
P.O. Box 950
Johnstown, New York 12095
PRO SE

1-7-20

~~Att: [Signature]~~

Hello,

Good Morning I need a legal representative urgently I need a lawyer for my case to help me do Motions I need to turn in and to help me with this case please its very important I dont want to lose this case because of my ignorance not knowing that my other cases had to do with this one No one ever told me that me signing a General release for a case that occurred 9 Month after the situation that I am arguing here will affect the other.

the 1983 is about something that happened ON June 29 2018 the 2 releases were 1 on Feb-2019 the other March 2019 So I really dont understand why it affects the 2018 situation and No one told me it would and Miss Stephanie De Angelis contacted me several time on phone and letters and never identified herself as the defendants lawyer I was totally unaware of what was going on please help me.

Att: [Signature]

HALE CREEK A.S.A.T.C.A.

273 Maloney Road

Johnstown, New York 12095

Randy Fernandez

10007

NY
SDNY

Honorable Jesse M Furman
United States District Court
Southern District of New York
500 Pearl Street
New York NY 10007

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